## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| UNITED STATES OF AMERICA   |  |  | )<br>0.00M 1440  |  |  |
|--|--|--|--|--|--|
|  | Plaintiff,   |  | ) 8:08MJ110<br>)   |  |  |
| vs.  |  |  | )<br>DETENTION OF  | RDER   |  |
| JOSE A. ROBLEDO,   |  |  |  |  |  |
|  | Defendant.   |  | <b>S</b>   |  |  |
| After con<br>Act on Ju   | After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on July 1, 2008, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).  |  |  |  |  |
| 3. Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds:  By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.  By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. |  |  |  |  |  |
| containe<br>X (1<br>   | rt's findings are based in the Pretrial Serve of in the crime distribute of in violatic years impredicted by the offense of in the offense of in the weight of the offense of in the weight of the offense of in the weight of the offense of in the interval of interva | vices Report, and metances of the metances of the metances of the metance according a conspiracy of the metance according a constant of the defendant of the de | to distribute and possimphetamine, and "crace § 846 carries a minimula maximum of life imprisviolence. Ircotic drug. Ige amount of controlled the defendant including the defendant including the defendant will appears to have a mental as no steady employment as no substantial financinot a long time resident ones not have any sign the defendant:  The defendant is as a history relating to a sea a significant prior crimas a prior record of face as a prior record of face in the defendant in the defe | sess with intent to ck" cocaine (Count im sentence of ten sonment.  d substances, to wit: gh. ng: al condition which opear. area. ent. cial resources. It of the community ificant community drug abuse. minal record. hilure to appear at |  |

## **DETENTION ORDER - Page 2** Release pending trial, sentence, appeal or completion of sentence. (c) Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other: X (4) The nature and seriousness of the danger posed by the defendant's release are as follows: The nature of the charges in the Complaint, the testimony of Agent Slosson detailing the defendant's extensive dealing in controlled substances over a substantial period of time, firearms, stolen firearms, and threatening behavior. X (5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted: X (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or (3) A controlled substance violation which has a maximum Χ penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. X (b) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: Χ (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more. (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

weapon or device).

relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous

## **DETENTION ORDER - Page 3**

- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: July 1, 2008. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge